

Judge Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

ERIC PAUL NELSON,
Defendant.

NO. CR95-854RAJ
CR15-162RAJ

ORDER ON DEFENDANT'S MOTION
TO WITHDRAW SUPERVISED
RELEASE VIOLATIONS AND MOTION
TO WITHDRAW GUILTY PLEA

I. INTRODUCTION

The Defendant has filed a motion to withdraw his guilty plea to the drug offense charged in Case No. CR15-162RAJ. The Defendant also seeks to withdraw his admissions to the supervised release violations in Case No. CR95-854RAJ.¹

The primary thrust of Defendant's motions are predicated upon his contention that he was not specifically advised that his Guidelines range for the drug offense would be 188 to 135 months.

Having reviewed Defendant's allegations, the sworn declaration of prior counsel, and tacit agreement by the Government, the Court agrees that the Defendant should be allowed to withdraw his guilty plea in Case No. CR15-162RAJ.

The Court finds, however, that the Defendant's motion to withdraw admissions to the supervised release violations is not supported by the record or facts as submitted. The

¹ Neither party requested oral argument and the Court finds oral argument unnecessary in making a determination in this matter. Further, the Court does not believe an evidentiary hearing is needed.

1 Court reaches this determination because there is no evidence that Defendant's
2 Guidelines range was impacted by the supervised release violations. Moreover, there is
3 no evidence that the defendant was improperly advised of the potential consequences of
4 his admissions. To the contrary, the record firmly establishes that the Defendant was
5 properly advised of the potential consequences, *i.e.*, that each violation was punishable by
6 a term of imprisonment up to five years.

7 For these reasons, the Defendant's motion to withdraw his guilty plea in Case No.
8 CR15-162RAJ is GRANTED, and Defendant's motion to withdraw his admissions to
9 supervised release violations in Case No. CR95-854RAJ is DENIED.

10 No later than Wednesday, October 21, 2015, the parties shall confer and then
11 contact the Court's courtroom deputy with a proposed trial date in Case No. CR15-
12 162RAJ. At that time the government is also directed to notify the court of the deadline
13 for trial to commence pursuant to the Speedy Trial Act. The Court will postpone the
14 disposition hearing in Case No. CR95-854RAJ pending resolution of the drug offense.

15 DATED this 15th day of October, 2015.

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18 The Honorable Richard A. Jones
19 United States District Judge
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